

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
Plaintiff,) 8:16CR63
vs.) ORDER
GILBERT GOMEZ, SR.,)
MONICA GOMEZ, and)
MARTIN GOMEZ,)
Defendants.)

This matter is before the court on the motion to continue trial by defendant Gilbert Gomez, Sr. (Filing No. 98). Trial is presently scheduled for October 11, 2016. Gomez's counsel represents that Gomez is undergoing chemotherapy treatments for myeloid leukemia. The motion will be granted and trial of this matter **will be continued as to all remaining defendants scheduled for trial.**

IT IS ORDERED:

1. Gomez's motion to continue trial (Filing No. 98) is granted.
2. Trial of this matter as to **ALL** defendants scheduled for trial is rescheduled for **January 9, 2017**, before Judge Robert F. Rossiter, Jr., and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 6, 2016, and January 9, 2017**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case and the defendant's physical incapacity. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B) and 3161(h)(3)(B)(4).

DATED this 6th day of October, 2016

BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge